

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 9, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Pro Tempore Anthony W. Cobos present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas. Absent: Mayor Joe Wardy. Council Member John F. Cook left at 11:49 a.m., before the vote to approve the consent agenda. Meeting was called to order and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

MAYOR'S PROCLAMATION

1. *Bowie Alumni Homecoming Week In El Paso*

Ms. Wally Cech, citizen, presented Council Members with gifts and/or flowers and made comments regarding the September 11, 2001 event.

No action taken on the presentation of a petition to the Mayor and City Council for a Ninety Day Moratorium on Zoning Approvals in the Upper Valley of El Paso pending a review and public comment of the 1995 and 2025 Plans as they relate to the development of the Upper Valley. The review to be based upon discussions, investigations and recommendations conducted under the coordination of the City Planning Commission with public comment and City Departmental input. [James Maxfield]

Mr. Jim Maxfield, Save the Valley Committee representative, presented Mayor Pro Tem Anthony W. Cobos with a petition of over 600 signatures, filed in the City Clerk's office and read into the record by Mr. Maxfield.

Ms. Lisa Sorrels, Save the Valley Committee representative, commented on the 1999 Plan for El Paso, specifically the 1995 Plan for El Paso that addressed the Upper Valley region of El Paso. She commented on the Upper Valley floodplain and the high water table, which contributed to the mosquito/vector problem. She commented that water pumped from the floodplain to other properties was not absorbed due to the clay in the soil. She made remarks regarding environmental concerns such as endangered species and the close proximity of the hazardous cargo route to existing residential neighborhoods. She commented that the Canutillo School District could not provide a quality education for current and future students due to overcrowded conditions, high student/teacher ratios and noted that constituents had entrusted Council Members to make the right decisions.

Mr. Larry Nance, citizen, commented on the traffic congestion on County Club Road and stated that road conditions on Upper Valley between Gomez and Artcraft were deplorable.

Ms. Lisa Turner, citizen, stated that the demand for housing in the area was great and suggested that the City either build homes in the area or annex. She questioned who would pay the builder's lost revenue in the event a moratorium was granted.

Mr. Ray Aduato, El Paso Association of Builders, commented on the 2025 Plan for El Paso and stated that a moratorium would have detrimental consequences in many areas and requested Council Members not support said moratorium. He stated that growth in El Paso was subject to property taxes and questioned whether the City would receive revenues on property that was not developed.

Ms. Michelle Maxfield, citizen, stated that the residents were not against building in the Upper Valley, but they wanted to be sure that the building is managed responsibly, addressing traffic congestion and educating the children.

Mr. Billy Crossland, citizen, questioned farmland versus developed property tax rates and why developers had not utilized infill or vacant lots in the City limits.

Mr. Roland Correa, Chairman of the Building and Zoning Advisory Committee, noted that 400 acres of PSB owned land was located in the City limits but would not be released for many years. He explained that the 200 acres of City owned land was not located in one area but was spread throughout the City in varying size acreage lots. He noted that the area surrounding the Artcraft Highway had changed and that BZAC was working to make the community grow and improve the quality of life. He made remarks regarding the Comprehensive Plan and noted that community residents, City staff, and Council Members had provided input.

Representative Cook stated that in the Northeast, there existed over 7,000 acres of land.

Mr. Luis Sariñana, citizen, reminded Council Members of a temporary moratorium that was placed on properties located near the R. E. Thomason General Hospital area and stated that economic development was crucial to the City.

Mr. Leslie Fleisher, Upper Valley resident, commented on development of the Artcraft area and noted that the current infrastructure was inadequate. He explained that the current two lane farm roads cannot support the existing traffic and requested that decisions regarding the placement of churches, schools, homes, parks and commercial development be made with careful consideration.

Mayor Pro Tem Anthony Cobos stated the City has a level of responsibility when issuing permits impacting the local school districts and added that he would not support a moratorium but would support R-2A zoning for Upper Valley development.

Ms. Sorrels read into the record language from the 1995 Upper Valley Plan for El Paso.

Mr. Billy Crossland, citizen, questioned what action Council Members would be taking on the matter.

Mayor Pro Tem Cobos noted that the agenda item was not posted for action.

Next item discussed was the public comment item on the Addition to the Agenda placed by Mrs. J. Dorsey, see discussion on page 28.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:46 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

21B. City of El Paso Adult Business Ordinance (551.071)

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 11:48 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Austin and Cook were not present for the vote.

NOTE: Item was moved to the forefront of the regular agenda.

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No action taken on the City of El Paso Adult Business Ordinance (551.071)
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Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to recess the Regular City Council Meeting of September 9, 2003, at 11:49 a.m. to discuss the Mass Transit Board Meeting.

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Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to reconvene the Regular City Council Meeting of September 9, 2003, at 11:51 a.m.
.....

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Representative Cook was not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Cook was not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of September 24, 2002, and September 2, 2003; Special City Council Meetings of July 9, July 23, July 25 and August 25, 2003; and Legislative Review Committee Meeting of the Whole of August 25, 2003.
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*Motion made, seconded and unanimously carried to excuse Mayor Joe Wardy from the Regular City Council Meeting of September 9, 2003, and to excuse Representative John F. Cook for the remainder of the Regular City Council Meeting of September 9, 2003, as of 11:49 a.m.
.....

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the 17th Revision to the City of El Paso Arts and Culture Department's Direct Funding Guidelines, adopted the 18th day of June, 2002 and amended August 5, 2003, be further amended as recommended by the Arts and Culture Advisory Board and Staff.

Mr. J. Prentice Loftin for El Paso Opera read from a prepared statement regarding the Comptroller's office requiring an audit per a memorandum he received from Ms. Alejandrina Drew, Arts and Culture Director.

Ms. Alejandrina Drew, Arts Resources Director, gave the particulars and explained about a misunderstanding on requiring an audit.

Mr. Michael Wyatt, Chairman of the Arts and Culture Advisory Board, commented.

Representative Cushing questioned if an audit was required after all.

Mr. William Chapman, Deputy Chief Administrator Officer for Financial and Administrative Services, address Representative Cushing's questions and explained the misunderstanding.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to approve the above Resolution as amended.

NOTE: Resolution was revised.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso Arts & Culture Department's Downtown Festival/Cultural Programs Funding Guidelines, adopted the 18th day of November, 2002, be amended as recommended by the Arts and Culture Advisory Board and Staff.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department to present the following groups at the **FY04 Young At Arts Series**, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department's Advisory Board and staff.

1. Missoula Children's Theater, Inc.; two performances on Saturday, January 17, 2004; cost of \$3,100.
 2. Fred Garbo; two performances on Saturday, January 24, 2004; cost of \$9,500.
 3. Harmony Artists, Inc. for Let's Go Science Show; two performances on Saturday, January 31, 2004; cost of \$4,100.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department to present the following groups at the **FY04 World On A String International Guitar Festival**, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department's Advisory Board and staff.

1. Gami Simonds for Benjamin Verdery; one performance on Friday, April 16, 2004; cost of \$4,500.
2. Richard Patterson for Festival of Four; one performance on Saturday, April 17, 2004; cost of \$6,400.
3. Miguel Marin & Danza, Producción Y Management De Espectáculos, SL for Gerardo Nuñez Trio; one performance on Friday, April 23, 2004; cost of \$8,500.
4. Herschell Freeman Agency for International Guitar Night; one performance on Saturday, April 24, 2004; cost of \$7,500.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department to present the following groups at the **FY04 Discovery Series**, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department's Advisory Board and staff.

1. Gary Lindsey Artist Services for Martha Graham Dance Ensemble; one performance Saturday, February 7, 2004; cost of \$12,000.
2. Ballet Hispanico; one performance Saturday, February 14, 2004; cost of \$15,000.
3. Pentacle for Pascal Rioult Dance Theater; one performance on Saturday, March 20, 2004; cost of \$14,500.
4. David Balakrishnan for Turtle Island String Quartet; one performance on Saturday, March 27, 2004; cost of \$9,000.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department to present the following groups at the **FY04 Music Under the Stars World Festival**, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department's Advisory Board and staff.

1. Roberto Borrell for Orquesta La Moderna Tradición; one performance Sunday, June 6, 2004; cost of \$11,500.
 2. Ralph Pavone Productions for Independence Jazz Reunion; one performance Sunday, June 27, 2004; cost of \$10,000.
 3. Concerted Efforts, Inc. for Buckwheat Zydeco & Co.; one performance on Sunday, July 18, 2004; cost of \$12,000.
 4. Merengue Productions for Joaquin Diaz; one performance on Sunday, August 1, 2004; cost of \$7,000.
 5. Aviv Productions for Tania Libertad; one performance on Sunday, August 29, 2004; cost of \$15,000.
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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CASEY L. PARR**, to assist the Information Technology as a PC LAN Specialist I, at an biweekly rate of \$1,274.41, for 40 hours per week. The term of the contract shall be for the period of September 10, 2003 through September 9, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JENNIFER L. LANEY**, to assist the Information Technology as a Database Administrator, at a biweekly rate of \$1,781.85, for 40 hours per week. The term of the contract shall be for the period of September 10, 2003 through September 9, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MONICA I. CASTILLO**, to assist the Information Technology as a Database Administrator, at a biweekly rate of \$1,961.53, for 40 hours per week. The term of the contract shall be for the period of September 10, 2003 through September 9, 2005.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **JANET J. BENGE** to correct the hourly rate of pay. The correction will change the rate of pay from \$8.25 to \$8.50.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Texas Master Naturalist

Rio Bosque Wetlands Park

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Friends of the Rio Bosque

Rio Bosque Wetlands Park

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Cooperation Contract between the City of El Paso and the Texas Department of Public Safety (DPS) which will allow the City to purchase supplies from DPS at a later time as needed, from September 1, 2003 through August 31, 2005, for the Police Department's use in conducting DWI breath tests and related programs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Agreements with the LUBY'S RESTAURANTS, LTD, passed and approved on October 24, 2002, to lease One (1) 4 Cubic Yard Dumpster, at the location municipally known and numbered as 3601 North Mesa, El Paso, Texas 79901; and the Agreement passed and approved on April 29, 2003, to lease One (1) 4 Cubic Yard Dumpster, at the location municipally known and numbered as 1516 North Lee Trevino, El Paso, Texas 79936, to combine both Recycling Equipment Lease Agreements adding future restaurant sites as requested by leasor, for a service fee of \$15.00 for each Dumpster for each month for each location, in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Lot 23, SAVE AND EXCEPT the West 10 feet, Block 20, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in Volume 1323, Page 223, Dee Records of El Paso County, Texas. (PID #M576-999-0200-6700)

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1001 Hills Street, in El Paso, Texas, which property is more particularly described as:

Lot: 10, Block 31, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Estates of Aracadio Orozco and Maria A. Orozco, C/O Maria Chavez, 1701 Bolser Street, Trenton, MO 64683-1210, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 30th day of September, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3430 Wyoming Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 19, Block 70, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Angel and Maria Guadalupe Torres, 3430 Wyoming Avenue, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 30th day of September, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4109 Edgar Park Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: 52, Sunrise Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 16, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Genaro Vazquez as trustee of the Vazquez Family Trust, 300 E. Main Suite 908, El Paso, Texas 79901, and Genaro Vazquez, 1409 Lost Padre Mine Drive, El Paso, Texas 79902, Margarita V. de Perez, 336 Cortez Drive, El Paso, Texas 79905, and Maria Guadalupe Vazquez Valenciana, 2316 Tremont Avenue, El Paso, Texas 79930, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4421 Madera Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 4 and East one-half (E ½) of Lot 5, Block 29, French Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 10, Page 5, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Pedro Bustillos and Martha O. Bustillos, 4421 Madera Avenue, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to appoint Shari S. Schwartz to the Parks and Recreation Advisory Board by Representative Austin.

.....
*Motion made, seconded and unanimously carried to appoint Angela Mora to the Community Center Screening Committee by Mayor Joe Wardy.

NOTE: Item was revised from "Steering" to "Screening".
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*Motion made, seconded and unanimously carried to appoint Gilbert Pineda to the Cable Communications Commission by Mayor Joe Wardy.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made, seconded and unanimously carried to appoint Kathryn Zerbach, M.D., to the physician position of the El Paso City-County Board of Health by Mayor Joe Wardy, nominated by County Medical Society.

*Motion made, seconded and unanimously carried to delete the re-appointment of Roger Ortiz, D.D.S., to the dentist position of the El Paso City-County Board of Health by Mayor Joe Wardy, nominated by the El Paso District Dental Society.

*Motion made, seconded and unanimously carried to delete the re-appointment of Olga Rodriguez, R.N., to the nurse position of the El Paso City-County Board of Health by Mayor Joe Wardy.

*Motion made, seconded and unanimously carried that the following tax refund be approved:

Curie Building, LTD, in the amount of \$7,403.44, overpayment of 2002 taxes. (PID #M300-999-0020-5100)

*Motion made, seconded and unanimously carried to approve the request for the Director of Purchasing to exercise the City's option to extend Contract No. 2002-037C between the City of El Paso and Permian Elevator Corporation, El Paso, Texas, to provide Airport Elevator and Escalator Maintenance for the El Paso International Airport (for twenty-four additional months) starting February, 5, 2004, and ending, February 4, 2006.

Department: Department of Aviation
Funds available: 62620003-503121
Funding source: Airport Operating Fund
Total amount: \$60,000.00 (estimated annually)

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to postpone two (2) weeks the request for the Director of Purchasing to exercise the City's option to extend Contract No. 2002-087C between the City of El Paso and Akal Security, Española, NM, to provide Security Guard Services for the El Paso International Airport (for twelve additional months) starting May 1, 2005, and ending April 30, 2006.

Department: Department of Aviation
Funds available: 6260009-502212
Funding source: Airport Operating Fund
Total amount: \$548,000.00 (estimated annually)

Representative Austin and Cushing questioned the expiration date.

Mr. Byron Johnson responded and gave details on an extension of the contract.

Motion made, seconded and unanimously carried to move to the regular agenda and to executive session the following:

Motion made by Representative Escobar, seconded by Representative Power and carried to award Bid No.: 2003-157 Eastwood Park Recreation Center

Contractor:	SamCorp General Contractors El Paso, Texas														
Department:	Parks and Recreation														
Funds Available:	31130600-PPW0046027YR2-60058-508027														
Funding Source:	2 nd Year Park Bonds														
Items:	<table border="0"> <tr> <td>Base Bid</td> <td>\$2,942,000.00</td> </tr> <tr> <td>Base Bid IA</td> <td>\$ 1,998.50</td> </tr> <tr> <td>Alternate #1</td> <td>\$ 107,000.00</td> </tr> <tr> <td>Alternate #2</td> <td>\$ 59,000.00</td> </tr> <tr> <td>Alternate #3</td> <td>\$ 58,000.00</td> </tr> <tr> <td>Alternate #4</td> <td>\$ 25,000.00</td> </tr> <tr> <td>Alternate #5</td> <td>\$ 85,000.00</td> </tr> </table>	Base Bid	\$2,942,000.00	Base Bid IA	\$ 1,998.50	Alternate #1	\$ 107,000.00	Alternate #2	\$ 59,000.00	Alternate #3	\$ 58,000.00	Alternate #4	\$ 25,000.00	Alternate #5	\$ 85,000.00
Base Bid	\$2,942,000.00														
Base Bid IA	\$ 1,998.50														
Alternate #1	\$ 107,000.00														
Alternate #2	\$ 59,000.00														
Alternate #3	\$ 58,000.00														
Alternate #4	\$ 25,000.00														
Alternate #5	\$ 85,000.00														
Total Award:	\$3,277,998.50														
District (s):	5														

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to SamCorp General Contractors, as this offeror has provided the Best Value Offer. It is requested that the Mayor be authorized to sign the contract approved by the City Engineer, Contract Compliance and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by the measured quantity. The actual cost of the unit price component will be the sum total of the unit price at the end of the contract term.

AYES: Representatives Austin, Power, Escobar and Cobos

NAYS: Representatives Cushing, Lozano and Rojas

.....
 *Motion made, seconded and unanimously carried to award Bid No.: 2003-186 Police Duty Gear

Award to:	Vendor 1:	GT Distributors Austin, Texas
Item (s):		Group I (Alternate B)
Amount:		\$52,254.68 (total amount)
	Vendor 2:	C & G Wholesale Dallas, Texas
Item (s):		Group II (Bid I) and Group III (Alternate Bid)
Amount:		\$23,357.00 (total amount)
Department:		Police
Funds available:		21010060-503120
Funding source:		General Funds
Total award:		\$75,611.68

*Motion made, seconded and unanimously carried to award Bid No.: 2003-205 Automotive Fuel-Diesel & Unleaded

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

*Motion made, seconded and unanimously carried to approve the request of Riverside High School to hold a Homecoming Parade on September 18, 2003 from 5:30 p.m. to 6:30 p.m. Route: Start at the school parking to Knights, proceed on Knights to Jersey, turn left on Jersey to Bernadine, turn left on Bernadine to Knights, turn right on Knights and finish at the school parking lot. Approximately 200 persons and 20 vehicles will take part. PERMIT NO. 03-135 [Jan L. Herron]

*Motion made, seconded and unanimously carried to approve the request of O'Shea Elementary School to hold a Patriotic Student Parade on September 11, 2003 from 9:00 a.m. to 10:30 a.m. Route: Start on the school's parking lot, turn right on Teachers, proceed to Gwen Evans, turn left on Saul Kleinfeld to the entrance of Slider Middle School, proceed inside the school to the Gus Moran and finish at O'Shea Keleher Elementary parking lot. Approximately 1000 persons will take part. This request includes permission to use amplification (1 megaphone). PERMIT NO. 03-126 [Richard Ryan]

*Motion made, seconded and unanimously carried to approve the request Greater El Paso District Physical Therapy to hold a 5K Run/ Walk/ Wheel on September 27, 2003 from 8:00 a.m. to 10:00 a.m. Route: Start at Ponder Park (W.H. Burgess and Juniper), turn right on Edgemere, left on Hawkins, left on Edgemere, left on Airway, right on Juniper, finish at Ponder Park. Approximately 300 persons, 2 vehicles, 20 wheelchairs will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 Bullhorn) for awards and instructions. PERMIT NO. 03-128 [Mike Coulter]

*Motion made, seconded and unanimously carried to approve the request of Bowie High School to hold a Homecoming Parade on September 13, 2003 from 8:00 a.m. to 11:30 a.m. Route: start at Fourth and Cotton to Seventh, turn right on Seventh, right on Oregon, right on Third, right on Virginia, left on Father Rahm, left on Cotton and finish on Fourth St and Cotton. Approximately 400 persons, 20 vehicles will take part, and 3,000 spectators are anticipated. This request includes amplification (small individual amps for guitars). PERMIT NO. 03-127 [Sam Attel]

Motion made, seconded and unanimously carried to move to the forefront and to the regular agenda the following:

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the request of Operation Santa Claus to hold a toy delivery parade/ceremony on December 12, 2003 from 1:00 p.m. to 3:00 p.m., and for the organization to enter into a co-operative agreement with the city. The city shall provide funds to cover the cost of traffic-control assistance in the amount of \$1,000.00 under the said agreement. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano; proceed on Paisano, left on St. Vrain, right on Sixth to Florence. Streets blocked will be Sixth St, between Ochoa and Campbell, Florence between Seventh and Father Rahm, and Ochoa between Seventh and Father Rahm. Approximately 200 persons and 27 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (400 watt amp, 2 speakers and 30-piece band) PERMIT NO. 03-120 (**Districts 3 and 8**) [Sergeant First Class James Prim]

Representative Escobar was not present for the vote.

Sergeant First Class James Prim, applicant, commented and thanked Council for their support.

Representative Cobos thanked Sergeant Prim for all they do for the community.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **INTERNATIONAL COACH OPERATOR**.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code to temporarily reduce the existing speed limit of 70 m.p.h. to 55 m.p.h. on Interstate 10 in both directions from 240 feet north of milepost 5 to 1550 feet north of milepost 8 for the duration of construction of the Interstate 10 and Trans-mountain Road Loop 375 Interchange Project. The penalty being as provided in Section 12.84.010 of the E El Paso Municipal Code.

- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) to add and new locations on Esther Lama Drive from Zaragoza Road east to Pullman Drive, south side only and from Zaragosa Road to a point 225 feet east thereof, north side only. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- A. An Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Government Employees Credit Union of El Paso for the purpose of developing a plan for constructing and utilizing a parking lot at Ponder Park at 7500 W.H. BURGESS Drive, El Paso, El Paso County, Texas.
- B. An Ordinance granting a Special Privilege to Houshany Shirazi and Bahram Razy permitting the encroachment onto public rights-of-way with three (3) accessibility ramps for persons with disabilities, eleven (11) awnings and a portion of the building at 520-524 San Francisco Avenue. (SP-03010, Fee: \$800.00)
- C. An Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) to revise provisions related to franchise terms and delete certain civil penalties for illegal bus benches.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 23, 2003 FOR ITEMS A – F

- D. An Ordinance changing the zoning of Lot 33, less the East 3 Feet thereof and less the North 10 Feet thereof, Rosedale Farms No. 4, El Paso, El Paso County, Texas (312 North Carolina) from R-3 (Residential) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00008. Applicant/Representative: Genaro & Yolanda Banuelos, 312 N. Carolina, El Paso, TX 79915 **THIS IS AN APPEAL CASE**
- E. An Ordinance changing the zoning of a Portion of Lot 53, Cineque Park, El Paso, El Paso County, Texas (8210 Troy) from R-F (Ranch-Farm) to R-3 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00015. Applicant/ Representative: David & Rosa Estrada, 8210 Troy, El Paso, TX 79907
- F. An Ordinance changing the zoning of Lot 2, Block 2, Los Cerritos Unit One, El Paso, El Paso County, Texas (Bandolero Drive North of Pinehurst Drive) from C-1/sc (Commercial/special contract) to A-2/sc (Apartment/special contract). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Coronado Country Club 1220 / Representative: McCormick Architecture L.L.C; 4110 Rio Bravo, Suite 206, El Paso, TX 79912. ZC-03023
- G. An Ordinance changing the zoning of Lots 11 - 16, Block 65, Franklin Heights Addition, El Paso, El Paso County, Texas (1020 Montana Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Terry W. Hammond and Associates; 1420 Montana Avenue, El Paso, TX 79902. ZON03-00012

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2003 FOR ITEMS G – J

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Item D, Ordinance Authorizing Joint Use Agreement with Government Employees Credit Union, was revised to add the word "lot" after the word "parking".

Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried to approve Conditional "B" building permits for Montoya Gardens Subdivision under the finding of economic hardship.

Representative Cobos was not present for the vote.

Mr. Irene Ramirez, Engineering Department, gave the particulars.

Representative Escobar questioned the type of hardship.

Mr. Ruben G. Schaeffer, Project Coordinator for Mountain Vista Builders, Inc. explained their need for Conditional "B" building permits.

.....
Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to authorize the Planning, Research & Development Department to initiate and process an application to rezone the property located at 1125 N. Zaragoza Road from C-1 (Commercial) to S-D (Special Development).

Mr. Rudy Valdez, Planning, Research and Development, gave the particulars.

Representative Rojas questioned if there is any opposition.

Mr. Valdez responded that there was no opposition and that the property will be used as a copy shop to conform with setbacks.

.....
Motion made by Representative Lozano, seconded by Representative Power and unanimously carried authorize the Planning, Research & Development Department to accept and process a special permit application for City-owned property legally described as a portion of Tract 53 and 54, Valley Gate Subdivision, El Paso, El Paso County, Texas.

Mr. Rudy Valdez, Planning, Research and Development, gave the particulars and stated that this is property owned by the City with three radio towers and that the radio station is requesting a fourth tower.

.....
Motion made by Representative Rojas, seconded by Representative Power and unanimously carried to authorize the Planning, Research & Development Department to accept and process a rezoning application for City-owned property legally described as a portion of Tract 3, Block 1, Ascarate Grant, El Paso, El Paso County, Texas.

Mr. Rudy Valdez, Planning, Research and Development, gave the particulars.

Representative Rojas questioned if there is any opposition.

Mr. Valdez responded that there was no opposition.

.....
Motion made, seconded and unanimously carried to move to the forefront of the regular agenda the following:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to direct the City Attorney's Office to explore all legal options to review all high density development permits, to consider market study, project location, history of the developer, and impact on local schools.

Mayor Pro Tem Anthony Cobos commented on a potential housing development on the Westside financed with the use of low income tax credits. He read excerpts from SB 264 and moved to direct the City Attorney's office to explore all legal options to require permitting of developments to consider market study, project location, history of developer, and impact on City schools to include high density housing to include new subdivisions. He stated he would wait until the City Attorney's office review to discuss zoning. Representative Power seconded.

Representative Austin requested the City Attorney office consider the differences in what Texas requires Texas Department of Housing and Community Affairs and the low income tax issues versus property rights in zoning cases, when reviewing the items as discussed by Mayor Pro Tem Cobos. She commented on the El Paso Independent School District's future Bond proposals.

Mayor Pro Tem Cobos reiterated that he was requesting the Legal Department to review the permitting process and whether or not those above-listed considerations might be included for high density housing, and reread his motion into the record. Representative Cushing seconded.

Ms. Linda Cochran, citizen, stated that she has lived in the Crestmont neighborhood for over 15 years and that crime and traffic congestion has increased sufficiently since. She noted that the schools were currently overcrowded and that the Westside currently noted six low-income housing developments within the close proximity of the Crestmont neighborhood.

Ms. Lisa Turner, citizen, stated the City was embarking on a social experiment by limiting construction within the City and asked that constituents speak to their State representatives regarding overcrowded schools.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance providing for the issuance, sale and delivery of \$25,000,000 City of El Paso, Texas, Airport Revenue Refunding Bonds, Series 2003 (El Paso International Airport); prescribing the terms and conditions thereof; providing for the payment thereof; and enacting other provisions relating thereto.

.....
ORDINANCE 15546

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15186 THAT ESTABLISHED THE DUTIES OF THE MUNICIPAL SERVICES DEPARTMENT TO ADD SUPERVISION OVER THE CITY'S MASS TRANSIT DEPARTMENT TO THE DEPARTMENT'S RESPONSIBILITIES.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15547

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD NEW LOCATIONS ON THE SOUTH**

SIDE OF SUNSET DRIVE FROM OSBORNE DRIVE TO A POINT 310 FEET WEST, AND NORTH SIDE OF SUNSET DRIVE FROM OSBORNE DRIVE TO A POINT 325 FEET WEST THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15548

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON THE EAST SIDE OF NORTHWESTERN DRIVE FROM RANCHO NORTE DRIVE TO A POINT 600 FEET NORTH THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15549

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON THE NORTH SIDE OF RANCHO NORTE DRIVE FROM NORTHWESTERN DRIVE TO A POINT 550 FEET EAST THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15550

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2004 TAXES.**

Representative Cushing questioned if there was an increase.

Mr. William Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, answered that there is no increase in taxes.

There being no further public comment, the vote was taken.

Motion duly made by Representative Lozano, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15551

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF AVIATION ADMINISTRATION ASSISTANT DIRECTOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Lozano, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15552

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF AVIATION OPERATIONS & SECURITY ASSISTANT DIRECTOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Lozano, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15553

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF AVIATION DEVELOPMENT ASSISTANT DIRECTOR.**

There being no public comment, the vote was taken.

Motion duly made by Representative Lozano, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made, seconded and unanimously carried to move to the forefront of the regular agenda the following:

ORDINANCE 15554

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 15, SUSPENSION, REDUCTION AND DISCHARGE, TO ADD ANOTHER SECTION REQUIRING A MEDIATION PROCESS AND IMPOSING A LIMITATION ON WHEN DISCIPLINARY ACTION CAN BE TAKEN.**

Mr. Lance Ruck, Civil Service Commissioner, commented on charters revisions by voter approval and changes to the Civil Service Rules and Regulations. He asked that Council pass the changes.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15555

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03017, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 4, BLOCK 1, YSLETA GRANT, A PORTION OF TRACT, 1, BLOCK 5, YSLETA GRANT, AND A PORTION OF LOT 2, BLOCK 3, LE BARRON PARK, EL PASO, EL PASO COUNTY, TEXAS (BURGUNDY DRIVE NORTH OF BETEL DRIVE) PURSUANT TO SECTION 20.22.040 (ZONING) OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance granting Special Permit No. SU-03018, to allow for a planned residential development on a portion of Tract 1B and Tract 2B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Upper Valley Road North of Artcraft Road) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: RPW Development Ltd. / Representative: CEA Engineering Group; 2718 Wyoming, El Paso, TX 79903

.....
ORDINANCE 15556

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO JOE HERNANDEZ, TO PERMIT TEMPORARY SIDEWALK VENDING ALONG A PORTION OF PUBLIC RIGHT-OF-WAY AT 814 B. SOUTH EL PASO STREET IN DOWNTOWN EL PASO FROM SEPTEMBER 10, 2003 THROUGH JULY 3, 2004.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15557

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.25 (EL PASO ZOO), SECTION 13.25.010 (ADMISSION FEES TO THE EL PASO ZOO) TO INCREASE CERTAIN FEES FOR ADMISSION TO THE ZOO.**

Representative Austin questioned the effective date of the admission fees increase.

Mr. Scott Gilliland from the Zoo responded that the fee increase will take effect immediately.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Cook

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 410 S. Ochoa Street, in El Paso, Texas, which property is more particularly described as follows:

Lot: 17, Block 141, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; are a hazard to public health, safety, and welfare; do not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Narcisco & Josefina Trillo, 3220 Montana Avenue, El Paso, Texas 79903, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 15th, 2003 which was postponed until September 9th, 2003; and

WHEREAS, OWNERS' REPRESENTATIVE, MIGUEL ANDRADE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and

- b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structures' certificates of occupancy is hereby revoked; and
 - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
- 2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the primary Building and accessory building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Buildings are hereby ordered to comply with all requirements of the Resolution; and
 - d. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
- 3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
- 4. That said Owners shall become personally liable for all costs incurred by City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash and debris; and
- 5. That the costs incurred by the City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
- 6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
- 7. That upon failure of the Owners, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring

an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution. Representative Power was not present for the vote.

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks a public hearing to determine if the Council Resolution of July 8th, 2003, for the property located at 3726 Tularosa Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Resolution has not been complied with. The owners of this property, Sergio Diaz & Angelica Diaz, 3726 Tularosa Avenue, El Paso, Texas 79903, have been notified of the violations at this property. Delinquent taxes in the amount of \$9,655.27.
.....

ADDITION TO THE AGENDA

No action was taken on the Moratorium on any action regarding Album Park/Eastwood Park Recreation Center until after review of Initiative Petition. [Mrs. J. Dorsey]

Representative Escobar recognized former Representative Joe Divas and Representative Power recognized former Representative Presi Ortega.

Ms. Sherri Dorsey, Album Park Preservation Association representative, presented reference material to Council Members and stated the Association was requesting a 60-day moratorium on the bid award of the construction for the recreation center until review of the petition. She stated that the Association had received documents through the Texas Open Records Act and made comments regarding those documents. She commented on the rapid growth on the eastside of El Paso, the recently annexed land on the eastside, the results of the Census 2000, and City Council redistricting.

Mr. Gus Haddad, Bond Overview Advisory Committee Chairman, stated that the BOAC, as well as the City, had held public meetings regarding Quality of Life Bond projects and stated that BOAC members were appointed to ensure that the Council Members not renegotiate their promise to the voters regarding the

Quality of Life Bond projects. He stated that breaking the trust of the voters would cause serious problems for future Bond issues and City Councils.

Ms. Lisa Turner, citizen, stated that Council had given their word that the monies approved for the Quality of Life Bond projects would be used specifically for those Bond projects.

Mr. Presi Ortega, citizen, stated that he was the former Mayor Pro Tem, City of El Paso and that Council Members cannot revise/change what the taxpayers overwhelmingly approved.

Representative Escobar reminded Council Members that the voters entrusted them to complete the Quality of Life Bond projects and that previous administrations had utilized bond monies inappropriately and that voters had lost their trust in City government.

Mayor Pro Tem Cobos suggested Ms. Dorsey proceed with the initiative process.

Ms. Dorsey stated that the Association was requesting time to facilitate the site selection process and that the Association was not opposed to a recreation center for District 5.

Mr. Joe Divas, citizen, commented that Album Park was not large enough for a recreation center and stated he was opposed to the construction of the recreation center at Album Park.

Representative Power thanked everyone for their comments and explained the provisions of the Quality of Life Bonds, specifically the voters approval of the recreation center at Eastwood/Album Park. He stated that he would address the concerns raised by the Preservation Association.

NOTE: This item was taken after the first public comment item placed by Mr. James Maxfield.

.....
Motion made, seconded and unanimously carried to reappoint Rose Dominguez-Morales to the Enterprise Community Coordinating Committee by Representative Jose Alexandro Lozano.

.....
Motion made, seconded and unanimously carried to appoint Joseph Bender to the El Paso Museum of Art Advisory Board by Representative Jose Alexandro Lozano.

.....
Motion made, seconded and unanimously carried to delete the nomination of Walter L. Tippin, D.D.S., to the El Paso City-County Board of Health by Representative Jose Alexandro Lozano.

.....
Motion made, seconded and unanimously carried to delete the nomination of Mary M. Hoke to the El Paso City-County Board of Health by Representative Vivian Rojas.

.....
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:24 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

21A. RS Medical v. City of El Paso, File No. 03-WCP-002, SOAH Administrative Hearing regarding Maria G. Guerrero (551.071)

ADDN 4. Discussion and action regarding litigation involving Municipal Court Judges. (551.071)

4G. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8232 McElroy Avenue \$6,869.94 Maria Baxley, Executrix of the Estate of
Angelica Reyes

14. Bid No.: 2003-157 Eastwood Park Recreation Center
Contractor: SamCorp General Contractors
El Paso, Texas

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 1:51 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried that the City Attorney's Office be authorized to hire **Harris and Harris** as outside counsel in the case entitled **RS Medical v. City of El Paso** at the State Office of Administrative Hearing (S.O.A.H.) regarding Maria G. Guerrero, Our File No. 03-WCP-002.

.....
No action taken on the discussion and action regarding litigation involving Municipal Court Judges. (551.071)

.....
Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to postpone one (1) week the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8232 McElroy Avenue \$6,869.94 Maria Baxley, Executrix of the Estate
of Angelica Reyes

.....
Motion made by Representative Escobar, seconded by Representative Power and carried to award Bid No.: 2003-157 Eastwood Park Recreation Center

Contractor: SamCorp General Contractors
El Paso, Texas

Department: Parks and Recreation
Funds Available: 31130600-PPW0046027YR2-60058-508027
Funding Source: 2nd Year Park Bonds
Items:

Base Bid	\$2,942,000.00
Base Bid IA	\$ 1,998.50
Alternate #1	\$ 107,000.00
Alternate #2	\$ 59,000.00
Alternate #3	\$ 58,000.00
Alternate #4	\$ 25,000.00
Alternate #5	\$ 85,000.00

Total Award: \$3,277,998.50

District (s): 5

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to SamCorp General Contractors, as this offeror has provided the Best Value Offer. It is requested that the Mayor be authorized to sign the contract approved by the City Engineer, Contract Compliance and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by the measured quantity. The actual cost of the unit price component will be the sum total of the unit price at the end of the contract term.

AYES: Representatives Austin, Power, Escobar and Cobos

NAYS: Representatives Cushing, Lozano and Rojas

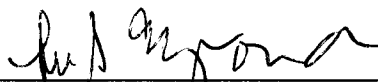
.....
Motion made by Representative Power, seconded by Representative Cobos and carried to adjourn this meeting at 1:54 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney